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COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR,
PRUDENTIAL BUILDING,
195 NORTH TERRACE,
ADELAIDE

DIVORCE

SOUTH AUSTRALIA

1966

SCOPE This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1966 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act 1959, which came into operation on 1 February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

Statistics of petitions filed since 1 February 1961 are on a uniform basis. However, statistics of decrees absolute granted are not uniformly based because decrees absolute based on petitions lodged prior to 1 February 1961 have been granted since that date, for instance, 639 of the 718 decrees absolute granted in 1961 for dissolution of marriage were on petitions lodged before February 1961. Since then most such decrees granted have been on petitions filed under the current legislation, and by 1966 the number granted on petitions filed under the superseded legislation had become insignificant.

COMMENT The number of petitions filed for dissolution has risen each year since 1960 and the 1,133 in 1966 is the highest yet filed in one year. With the exception of three of the World War II years, the number of petitions filed by wives has exceeded that by husbands in each year since 1931. Petitions by wives for dissolution constituted 63.0 per cent of those filed in 1966.

The principal single grounds upon which petitions for dissolution of marriage were filed in 1966 were desertion (330 petitions), adultery (314), cruelty (190) and separation (163).

The 718 orders absolute granted for dissolution of marriage in the first year (1961) of uniform legislation was higher than in any previous year, and with the exception of 1962 (685 orders absolute) this number has been exceeded in each year since. In 1966 the 1,069 marriages dissolved is the highest number on record and is 182 greater than the previous highest of 887 in 1964.

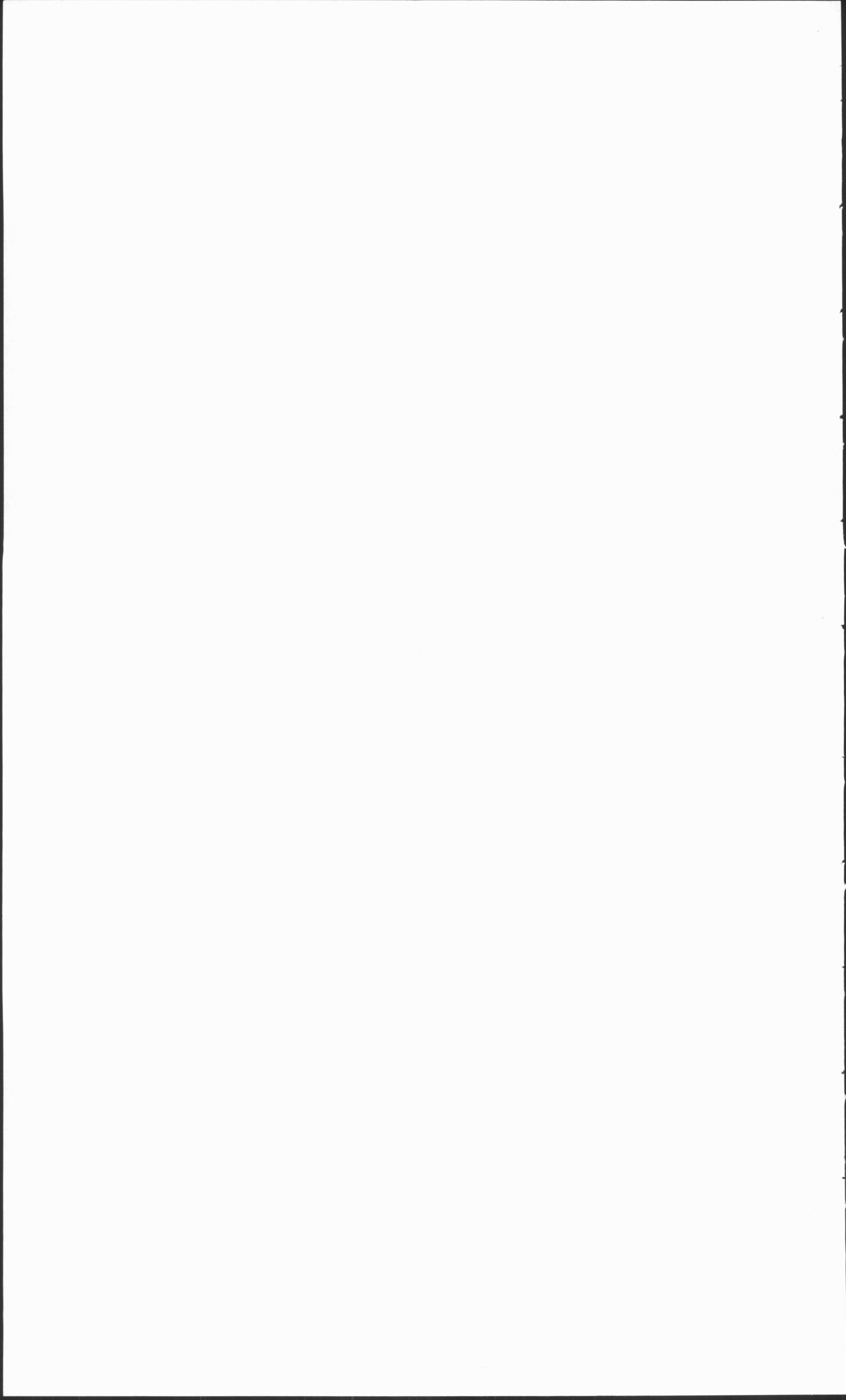


TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1959 TO 1966

Particulars	Years							
	1959	1960	1961	1962	1963	1964	1965	1966
PETITIONS								
Dissolution	789	781	865	910	1,005	1,034	1,107	1,133
Nullity of marriage	6	8	9	4	5	5	13	7
Dissolution or nullity of marriage	-	-	-	1	1	2	2	3
Judicial separation	1	-	3	1	3	4	5	2
Dissolution or judicial separation	-	-	-	-	-	-	-	2
Total	796	789	877	916	1,014	1,045	1,127	1,147
ORDERS								
Dissolution - Nisi	470	698	586	781	748	940	931	1,130
Absolute	503	610	718	685	765	887	852	1,069
Nullity of marriage - Nisi	5	11	8	3	4	4	2	2
Absolute	7	9	6	6	5	3	3	9
Judicial separation	-	-	-	1	-	-	-	2

Fluctuations from year to year in the number of orders granted may be independent of fluctuations in the number of petitions filed because there is a considerable variation in the number of actions awaiting hearing at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1964 TO 1966

Ground	Petitioner	1964			1965			1966		
		Hus- band	Wife	Total	Hus- band	Wife	Total	Hus- band	Wife	Total
DISSOLUTION OF MARRIAGE										
Single grounds -										
Adultery	149	98	247	156	146	302	169	145	314	
Cruelty	4	150	154	2	175	177	10	180	190	
Desertion	161	151	312	126	188	314	135	195	330	
Drunkenness	1	17	18	2	18	20	3	13	16	
Separation	66	115	181	66	107	173	66	97	163	
Other single grounds	1	5	6	4	4	8	4	5	9	
Dual grounds -										
Adultery and desertion	10	6	16	10	6	16	7	4	11	
Adultery and cruelty	1	12	13	-	9	9	1	11	12	
Cruelty and drunkenness	1	13	14	1	20	21	-	23	23	
Desertion and cruelty	1	13	14	-	5	5	-	12	12	
Desertion and separation	22	24	46	21	29	50	20	22	42	
Other dual grounds	1	6	7	2	6	8	4	5	9	
Multiple grounds	2	4	6	-	4	4	-	2	2	
Total	420	614	1,034	390	717	1,107	419	714	1,133	
NULLITY OF MARRIAGE										
Bigamy	-	-	-	1	3	4	1	1	2	
Incapacity to consummate	-	5	5	-	4	4	-	3	3	
Invalid marriage	-	-	-	2	-	2	1	-	1	
Pregnancy	-	-	-	3	-	3	1	-	1	
Total	-	5	5	6	7	13	3	4	7	
DISSOLUTION OR NULLITY OF MARRIAGE										
Multiple grounds	1	1	2	2	-	2	2	1	3	
JUDICIAL SEPARATION										
Adultery	-	1	1	-	3	3	-	-	-	
Cruelty	-	2	2	-	-	-	-	1	1	
Drunkenness	-	1	1	-	1	1	-	-	-	
Separation	-	-	-	-	1	1	-	-	-	
Adultery and cruelty	-	-	-	-	-	-	-	1	1	
Total	-	4	4	-	5	5	-	2	2	
DISSOLUTION OR JUDICIAL SEPARATION										
Adultery	-	-	-	-	-	-	-	2	2	

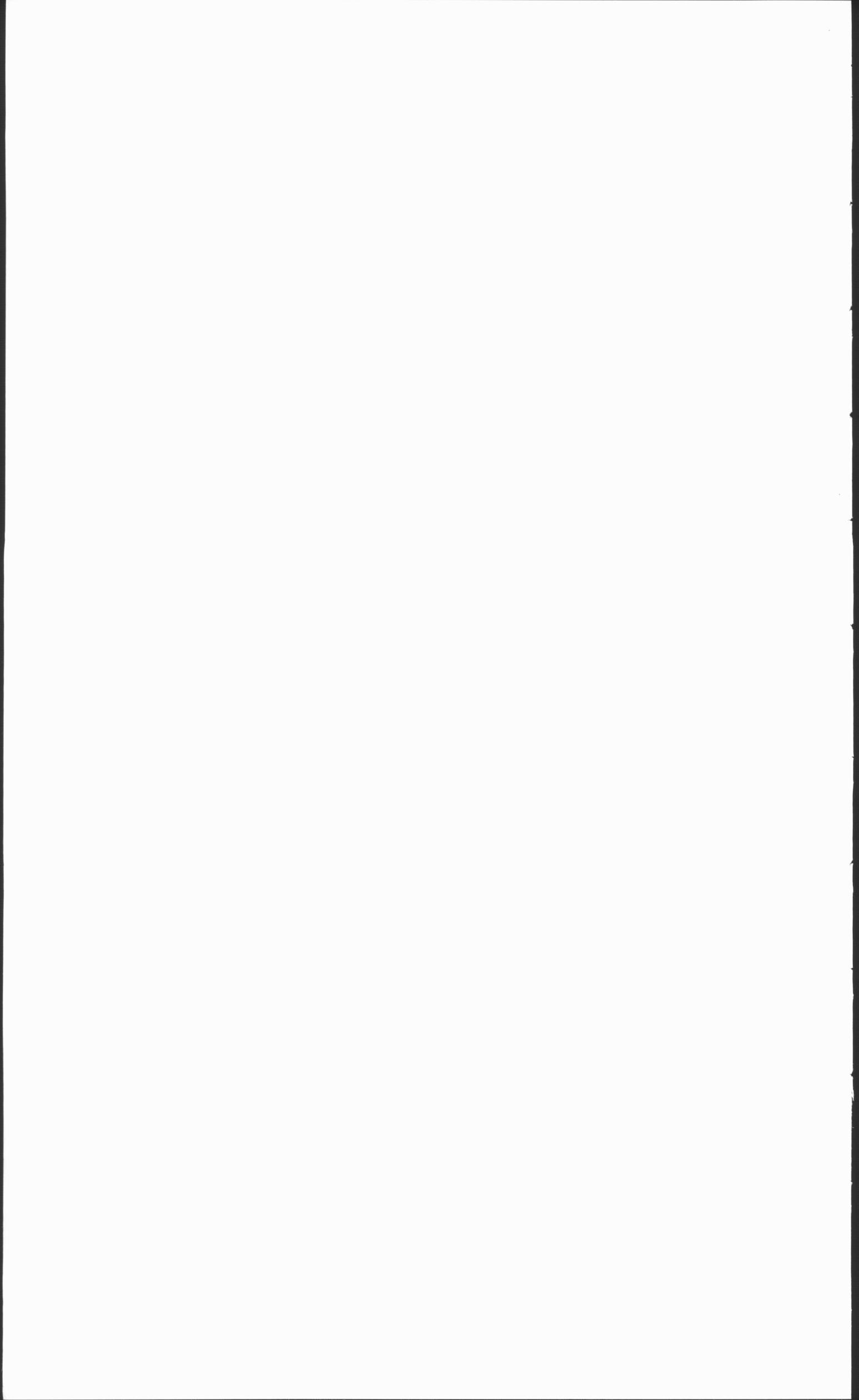


TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,
SOUTH AUSTRALIA, 1959 TO 1966

Ground	Year								
	1959	1960	1961	1962	1963	1964	1965	1966	
Dissolution									
Adultery			235	174	202	243	214	309	
Adultery and desertion	175	274	8	1	5	8	6	3	
Adultery and separation			2	-	-	1	-	-	
Adultery and cruelty			-	3	2	5	2	1	
Cruelty			138	60	82	102	101	136	
Cruelty and drunkenness			2	1	5	9	3	1	
Cruelty and separation	90	103	-	-	1	-	1	-	
Cruelty and sodomy			-	-	-	1	-	-	
Cruelty and frequent convictions			-	-	-	-	1	-	
Desertion			289	301	269	268	312	361	
Desertion and cruelty			2	4	3	6	1	-	
Desertion and separation			1	1	16	34	8	2	
Desertion and drunkenness			-	-	1	2	3	-	
Desertion and refusal to consummate	218	215	-	-	1	-	-	1	
Desertion and failure to pay maintenance			-	-	-	1	-	-	
Desertion and presumption of death			-	-	-	1	-	-	
Desertion and frequent convictions			-	-	-	-	-	1	
Drunkenness	4	9	6	3	6	13	9	32	
Drunkenness and separation			-	-	1	-	-	-	
Failure to pay maintenance	3	4	4	1	2	1	2	1	
Insanity	5	3	3	4	2	3	-	2	
Insanity and separation			-	-	-	-	1	-	
Separation (a)	6	2	23	130	162	180	180	213	
Other single grounds	2	-	2	2	3	6	6	6	
Multiple grounds	-	-	3	-	2	3	2	-	
Total	503	610	718	685	765	887	852	1,069	
Nullity									
Bigamy	-	1	2	3	2	-	-	3	
Incapacity to consummate (b)	7	4	2	2	3	3	3	3	
Invalid marriage	-	4	2	1	-	-	-	1	
Pregnancy	-	-	-	-	-	-	-	2	
Total	7	9	6	6	5	3	3	9	

Note: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

Adultery was the main ground for dissolution in most years up to and including 1948 - during the three years to 1947 this predominance was more marked. In most years since 1948 desertion has been the main ground and since the operation of the uniform legislation from early in 1961 separation has become the third most frequent of the grounds on which dissolution is granted.

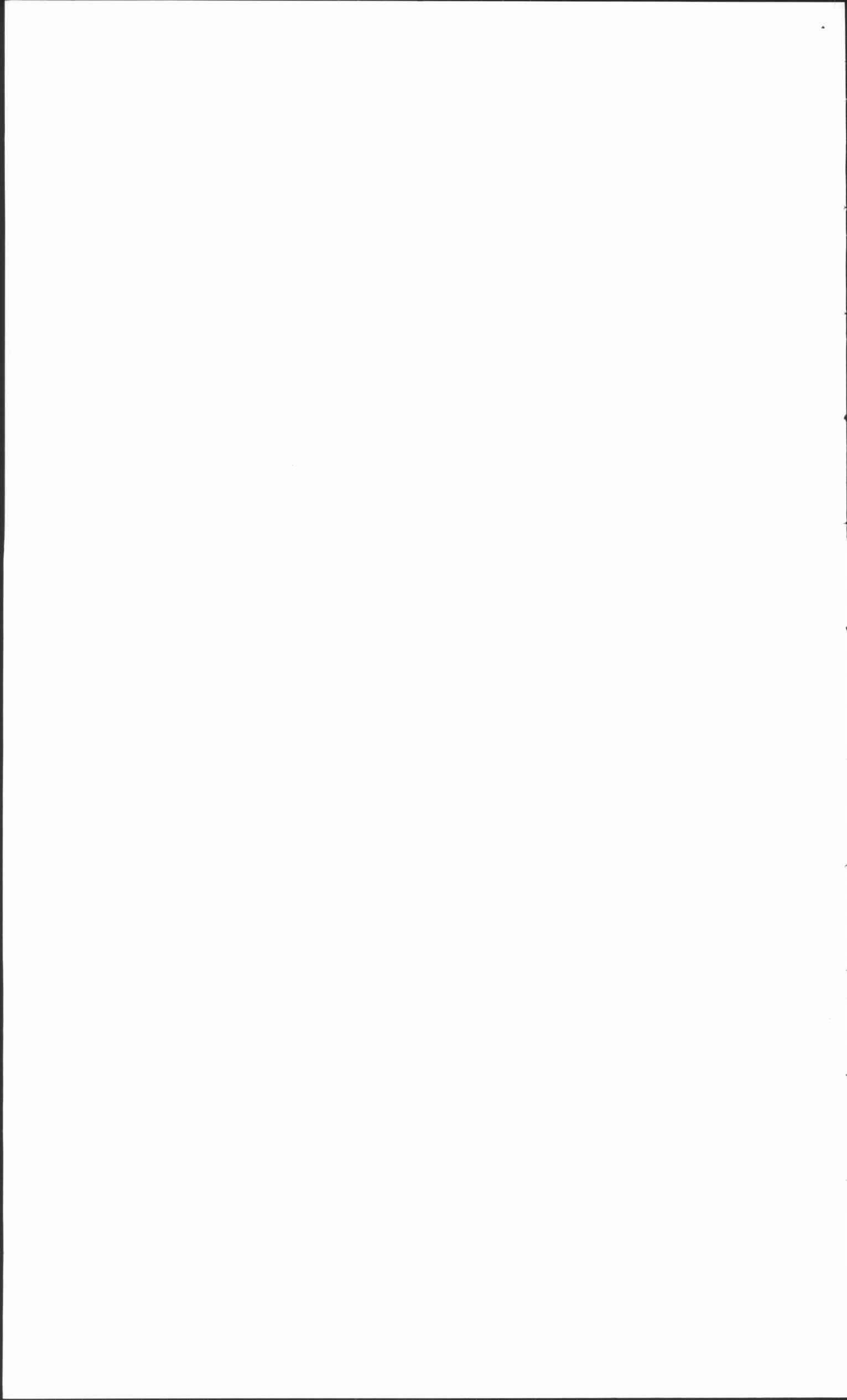


TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1959 TO 1966

Ground	Year							
	1959	1960	1961	1962	1963	1964	1965	1966
ON PETITION OF HUSBAND								
Adultery			126	(b) 108	(121	(b) 140	124	166
Adultery and desertion	108	172	5	1	3	6	2	2
Adultery and cruelty			-	1	-	-	-	-
Cruelty	-	4	5	1	2	3	5	4
Cruelty and separation			-	-	-	-	1	-
Desertion			154	141	137	111	153	145
Desertion and cruelty			-	-	1	-	-	-
Desertion and separation	106	107	-	-	14	16	(b) 6	1
Desertion and presumption of death			-	-	-	1	-	-
Desertion and drunkenness			-	-	-	-	1	-
Drunkenness	1	-	1	-	1	2	-	2
Insanity	3	1	2	3	1	1	-	1
Separation (a)	2	-	14	60	58	76	63	83
Other single grounds	-	-	-	-	-	2	-	3
Multiple grounds	-	-	(b) 1	-	1	-	-	-
Total	220	284	(b) 308	(b) 315	339	(b) 358	(b) 355	407
ON PETITION OF WIFE								
Adultery			109	(b) 67	81	(b) 104	90	143
Adultery and desertion	67	102	3	-	2	2	4	1
Adultery and separation			2	-	-	1	-	-
Adultery and cruelty			-	2	2	5	2	1
Cruelty			133	59	80	99	96	132
Cruelty and drunkenness			2	1	5	9	3	1
Cruelty and separation	90	99	-	-	1	-	-	-
Cruelty and sodomy			-	-	-	1	-	-
Cruelty and frequent convictions			-	-	-	-	1	-
Desertion			135	160	132	157	159	216
Desertion and cruelty			2	4	2	6	1	-
Desertion and separation			1	1	2	18	(b) 3	1
Desertion and drunkenness			-	-	1	2	2	-
Desertion and refusal to consummate	112	108	-	-	1	-	-	1
Desertion and failure to pay maintenance			-	-	-	-	1	-
Desertion and frequent convictions			-	-	-	-	-	1
Drunkenness	3	9	5	3	5	11	9	30
Drunkenness and separation			-	-	1	-	-	-
Failure to pay maintenance	3	4	4	1	2	1	2	1
Insanity	2	2	1	1	1	2	-	1
Insanity and separation			-	-	-	-	1	-
Separation (a)	4	2	9	70	104	104	117	130
Other single grounds	2	-	2	2	3	4	6	3
Multiple grounds	-	-	(b) 3	-	1	3	2	-
Total	283	326	(b) 411	(b) 371	426	(b) 530	(b) 498	662

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Includes a dissolution granted to both husband and wife.

In all but four years since 1933 more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1966, 97.5 per cent of orders absolute for dissolution on petitions of husbands, but only 74.2 per cent on petitions of wives, were granted on three grounds (adultery, desertion, separation), or combinations of these three grounds. Cruelty (19.9 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

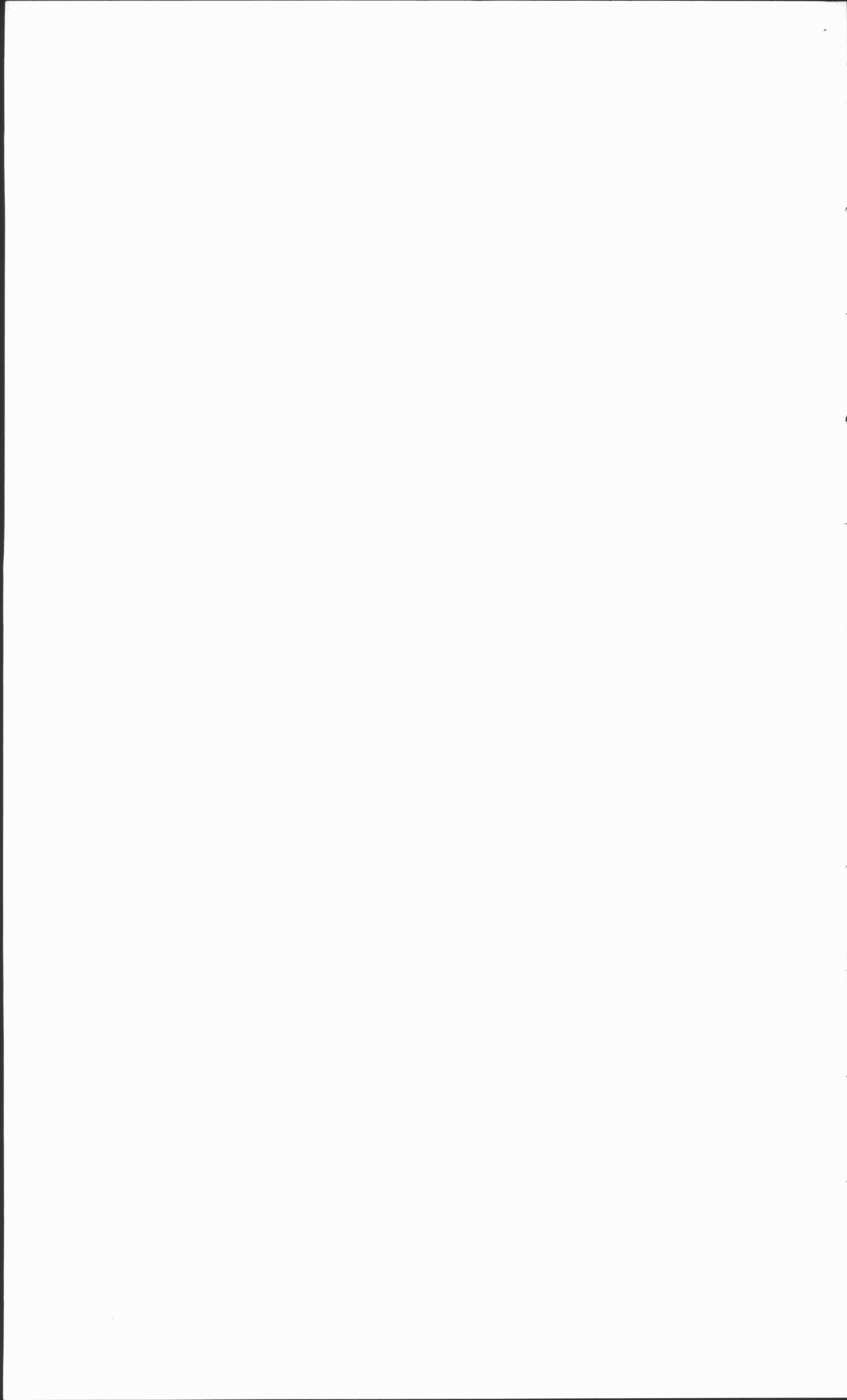


TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1964 TO 1966

Age of Husband	1966								1965	1964		
	Age of Wife											
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated				
Under 20	71	14	1	-	-	-	-	-	86	54		
20-24	229	248	33	4	1	1	-	-	516	418		
25-29	54	131	64	12	2	2	-	-	265	212		
30-34	11	34	21	20	12	4	1	-	103	73		
35-39	3	9	8	9	8	5	5	-	47	46		
40-44	-	1	3	7	6	5	2	-	24	20		
45 and over	1	-	5	3	3	3	11	-	26	26		
Not stated	-	-	-	1	-	-	-	↑	2	3		
Total 1966	369	437	135	56	32	20	19	1	1,069			
1965	275	380	88	47	34	12	14	2	852			
1964	245	392	139	52	27	9	17	6		887		

When analysing the figures shown in tables 5, 6 and 7 it should be remembered that there are more existing marriages of short duration than of long duration.

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1963 TO 1966

Duration of Marriage	1966								1965	1964	1963			
	Number of Children (a)													
	0	1	2	3	4	5	6 & Over	Total						
0- 4	44	26	11	1	1	-	-	83	64	61	43			
5- 9	80	92	75	22	9	4	-	282	222	207	202			
10-14	60	44	52	45	12	6	3	222	186	183	172			
15-19	32	25	55	36	17	9	8	182	154	185	166			
20-24	30	21	42	26	9	2	7	137	114	122	90			
25-29	34	27	17	7	3	-	-	88	59	70	58			
30-34	22	10	6	2	-	1	-	41	30	32	12			
35-39	15	1	1	-	-	-	-	17	14	16	10			
40-44	8	1	-	-	-	-	-	9	6	6	10			
45 and over	8	-	-	-	-	-	-	8	3	5	2			
Total 1966	333	247	259	139	51	22	18	1,069						
1965	253	198	210	109	52	19	11		852					
1964	260	227	205	118	48	21	8			887				
1963	243	199	166	94	51	6	6				765			

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1963 to 1966 combine those granted under both the old and the new legislation the information on children for each of these years is not strictly comparable with that for each previous year. The degree of lack of comparability is diminishing from year to year.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over.

Since 1961 the proportion of orders absolute for dissolution of marriages which had lasted 20 years or more has been at a higher level than prior to that year, having risen steeply from 15.3 per cent in 1958 to 25.1 per cent in 1962. The proportion of such dissolved marriages in 1966 was 28.1 per cent.

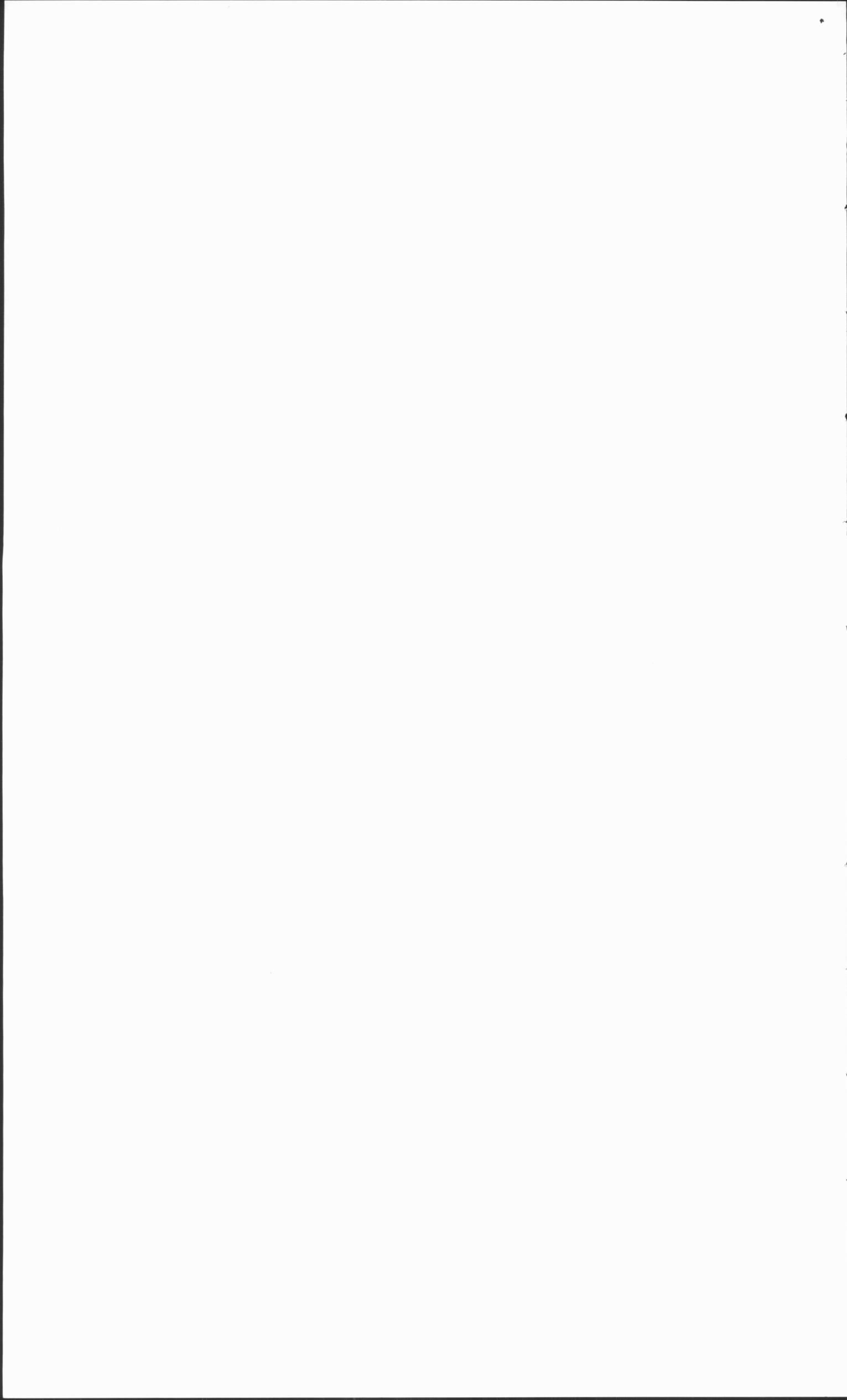


TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1963 TO 1966

Age of Husband	1966							Total	1965	1964	1963				
	Age of Wife														
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated								
Under 25	36	2	-	-	-	-	-	38	20	20	12				
25-29	60	77	4	-	-	1	-	142	111	91	80				
30-34	8	80	64	12	1	2	-	167	136	148	127				
35-39	3	23	81	70	15	4	-	196	154	157	148				
40-44	-	7	15	72	61	14	-	169	141	137	137				
45 and over	1	2	6	18	67	261	-	355	287	328	256				
Not Stated	-	-	-	-	1	-	1	2	3	6	5				
Total 1966	108	191	170	172	145	282	1	1,069							
1965	71	154	137	148	126	214	2		852						
1964	70	133	133	159	145	241	6			887					
1963	48	123	124	139	131	195	5				765				

The proportion of those aged 45 years or more at the time of dissolution of marriage rose markedly from 1958 to 1962 and since has remained at a level higher than for any year before 1961. The rise from 1958 to 1962 was from 22.4 to 35.5 per cent for husbands and from 15.1 to 26.7 for wives. The proportions for 1966 were 33.2 per cent for husbands and 26.4 per cent for wives.

It can be seen that this trend bears a close relationship to the trend in dissolved marriages with a duration of 20 years or more indicated in the comment following table 6.

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Commonwealth Bureau of Census & Statistics
ADELAIDE S.A.
23 August 1967

